CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Executive Engineer and Executive Health Officer.

Appointment of executive engineer and executive health officer.

74. (*1*) The corporation shall appoint fit persons to be municipal executive engineer and municipal executive health officer.

(*2*) Each of the said officers shall—

(*a*) be appointed for a renewable term of five years;

(*b*) devote his whole time and attention to the duties of his office;

(*c*) receive such monthly salary, not exceeding rupees fifteen hundred and not less than rupees twelve hundred, as the corporation shall from time to time determine;

(*d*) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office, on the votes of not less than two-thirds of the members present at a meeting of the corporation:

(*3*) Provided that—

(*e*) no person shall be appointed to be executive health officer who is not a legally qualified medical practitioner;

(*f*) the corporation may, in their discretion, appoint a person probationally for a limited period only, to either of the said offices, previous to appointing him for the full term of five years;

(*g*) every appointment made under this section shall be subject to confirmation by the Governor in Council.

Time within which vacancy in office of executive engineer or executive health officer must be filled up.

75. (*1*) On the occurrence of a vacancy in the office of executive engineer or of executive health officer, an appointment shall be made thereto by the corporation within four months from the date on which the vacancy occurred or in the event of any appointment so made by them not being confirmed by Government, within thirty days from the date of the receipt by the corporation of the order of Government.

(*2*) In default of an appointment being made by the corporation as aforesaid, the Governor in Council may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the corporation.

(*3*) Pending the settlement of an appointment under sub-section (*1*) or (*2*) the corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding rupees fifteen hundred as it shall think fit. A person so appointed

to be temporary executive health officer need not be a legally qualified medical practitioner.

Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.

76. The executive health officer appointed under this Act shall be the consulting officer of health for the purposes of Bombay Act VI of 1867[*] (*an Act for the better sanitary regulation of the City of Bombay*).

Municipal Secretary.

Appointment of municipal secretary.

77. (*1*) The standing committee shall from time to time appoint a fit person to be municipal secretary.

(*2*) The municipal secretary shall be secretary of the corporation and also of the standing committee, and shall—

(*a*) perform such duties as he is directed by this Act to perform and such other duties in and with regard to the corporation and the standing committee as shall be required of him by those bodies respectively;

(*b*) have the custody of all papers and documents connected with the proceedings of—

(*i*) the corporation and any committee appointed by the corporation;

(*ii*) the standing committee and any sub-committee thereof;

(*c*) devote his whole time and attention to the duties of his office;

(*d*) receive a monthly salary of rupees seven hundred which, with the previous sanction of the corporation, may be increased to a sum not exceeding rupees one thousand;

(*e*) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the standing committee, with the approval of the corporation.

Appointment of clerks and servants subordinate to the municipal secretary.

78. (*1*) The standing committee may from time to time—

(*a*) appoint such clerks and servants to be immediately subordinate to the municipal secretary as they think fit;

(*b*) determine the nature and amount of the salaries, fees and allowances to be paid to the said servants and clerks respectively;

(*c*) prescribe or delegate to the municipal secretary the power of prescribing the duties of the said clerks and servants.

Control, etc., of the said clerks and servants.

(*2*) The municipal secretary, subject to the orders of the standing committee, shall exercise supervision and control over the acts and proceedings of the said clerks and servants, and the standing committee, subject to the

[*] Printed in Vol. II of this Code, p. 101.

regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said clerks and servants and their pay, privileges and allowances.

Other Officers and Servants.

Schedule of other officers and servants to be prepared by the Commissioner and sanctioned by the standing committee.

79. (*1*) The Commissioner shall, [*] from time to time, prepare and bring before the standing committee a schedule setting forth the designations and grades of the other officers and servants who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.

(*2*) The standing committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient: Provided that no new office of which the aggregate emoluments exceed rupees two hundred per month shall be created without the sanction of the corporation.

Restriction of employment of permanent officers and servants.

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under sections 74, 77 or 78, or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section.

Leave of Absence, Acting Appointments, etc.

Standing Committee to frame regulations for grant of leave, etc.

81. (*1*) The standing committee shall from time to time frame regulations in consonance with any resolution that may be passed by the corporation—

(*a*) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security;

(*b*) regulating the grant of leave to municipal officers and servants;

(*c*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(*d*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave;

(*e*) regulating the period of service of all the said officers and servants;

(*f*) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the widows, or other relations dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances,

[*] Words repealed by Act XVI of 1895 are omitted.

and the amounts of such pensions, gratuities or compassionate allowances;

(*g*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the standing committee, be established by the said officers and servants.

Such regulations to be subject to confirmation by the corporation, and, if made under clause (*f*), by Government.

(2) No regulation made by the standing committee under this section shall have force or validity unless and until it has been confirmed by the corporation, nor, if it is made under clause (*f*), unless and until it has been confirmed by Government.

Power of appointment in whom to vest.

82. Except as is hereinbefore otherwise provided, the power of appointing municipal officers and servants shall, subject to the schedule at the time being in force prepared and sanctioned under section 79, vest in the Commissioner.

Power of suspending, punishing and dismissing in whom to vest.

83. (*1*) Every municipal officer and servant may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed:

(2) Provided that—

(*a*) no officer whose monthly emoluments exceed rupees three hundred shall be dismissed by the Commissioner, without the approval of the standing committee;

(*b*) any officer appointed by the corporation may be suspended by the standing committee pending an order of the corporation, such suspension and the reason therefor being forthwith reported to the corporation.

Leave of absence by whom to be granted.

84. (*1*) Leave of absence may be granted by the Commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant the power of appointing whom is vested in him; and for a period not exceeding one month to any other municipal officer, other than an officer immediately subordinate to the municipal secretary.

(2) Leave of absence may be granted, subject as aforesaid, by the standing committee—

(*a*) to any clerk or servant appointed under section 78;

(*b*) for a period exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner.

Acting appointments.

85. (*1*) The appointment of a person to act in the place of an officer absent on leave may be made, when necessary, and subject to the regulations aforesaid, by the same authority who grants the leave of absence:

(*2*) Provided that—

(*a*) when the executive engineer or the executive health officer is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation;

(*b*) any appointment of a person to act as executive engineer or as executive health officer may be disallowed by the Governor in Council, and from the time of being so disallowed shall be null and void;

(*c*) no person shall be appointed to act for the executive health officer for a period exceeding three months, unless such person is a legally qualified medical practitioner, but a person appointed to act for the said officer for a period not exceeding three months need not be a legally qualified medical practitioner.

(*3*) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions which the permanent incumbent of the office or place is bound to perform or may exercise or to which the said incumbent is liable.

Disqualifications of Municipal Officers and Servants.

Municipal officer or servant not to be interested in any contract, etc., with the corporation.

86. (*1*) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the corporation, or in any employment with, by, or on behalf of the corporation other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant.

(*2*) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be a municipal officer or servant and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the corporation as under clauses (*h*) and (*k*) of section 16 it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Acquisition of Property.

Powers of corporation as to acquisition of property.

87. The corporation shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the limits of the city.

Transfer to the corporation of the property of the municipal corporation.

88. All such immoveable and other property as is held by, or in trust for, or has been granted by Government to the corporation under, or in pursuance or for the purposes of any Act hereby repealed, shall, upon and after the date when this Act comes into force, vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same.

Conditions affecting the vesting of the Vehar water-works in the corporation.

89. (*1*) On the expiry of the term of ninety-nine years, commencing on the first day of July, 1863, for which, in accordance with section 64 of the Bombay Municipal Acts of 1872 [a] and 1878[a], the Vehar lake and the property appurtenant thereto, hereinafter referred to as "the Vehar water-works," were vested in the corporation, the Governor in Council may direct that the said Vehar water-works shall vest, and the same shall in such case vest, in the corporation, on the conditions hereinafter provided and, for the purposes of this Act, for such further period not exceeding ninety-nine years as shall seem expedient: Bom. III of 1872. Bom. IV of 1878.

(*2*) Provided that on the expiry of the said first term of ninety-nine years, or of any further term for which the Governor in Council may have directed that the said Vehar water-works shall vest in the corporation, all rights and every power conveyed to the corporation shall forthwith cease and determine, and the said Vehar water-works shall revert to and become vested in Her Majesty[b] as the same were vested in Her Majesty[b] before the first day of July, 1863.

Acquisition of immoveable property by agreement.

90. (*1*) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immoveable property, such property may be acquired by the Commissioner on behalf of the corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding

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[a] Bom. Acts III of 1872 and IV of 1878 are repealed by s. 2 of this Act.
[b] The words "Her Majesty" were substituted for the original words by Bom. Act IV of 1888, s. 5 (*1*) (*a*).